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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant in conformity with the programme established by Economic and Council resolution 1988/4

Addendum

LUXEMBOURG* **

[13 July 2001]

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* The second periodic report submitted by the Government of Luxembourg (E/1990/6/Add.9) was considered by the Committee on Economic, Social and Cultural Rights in 1997 (see E/C.12/1997/SR.48 and 49).

** The information submitted by Luxembourg in conformity with the guidelines concerning the initial part of State parties' reports appears in the core document (HRI/CORE/1/Add.10/Rev.1).

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Introduction

1. This report brings up to date the information contained in the report submitted in 1995, which was considered by the Committee in 1997. In some areas there have been no changes since the last report was submitted.

2. Under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and in accordance with the programme established by Economic and Social Council resolution 1988/4 and with Commission on Human Rights resolutions 4 (XXXIII), 1985/42, 1986/15, 1987/19 and 1988/22, the Government of the Grand Duchy of Luxembourg submits in the following report its comments on its policies for the implementation, promotion and protection of economic, social and cultural rights.

Article 6: Right to work

3. Article 6 provides that the States parties to the Covenant shall recognize the right to work, which includes the right of every person to the opportunity to gain his living by work which he freely chooses or accepts.

4. Article 11 of the Constitution of Luxembourg of 17 October 1868 provides that the law shall guarantee the right to work and assure to every citizen the exercise of this right. Under Luxembourg law, the right to work is a fundamental freedom, embracing free choice of employment, free access to employment and freedom from discrimination.

5. The Act of 8 December 1981 on equal treatment for men and women defines the scope of this principle in respect of access to employment, vocational training and promotion, and in respect of working conditions, as does the Grand Ducal Regulation of 10 July 1974 on equal pay for men and women.

6. In the field of employment, the amended Act of 30 June 1976 establishing an employment fund and governing the payment of benefit for full unemployment provides adequate protection against joblessness. Responsibility for the implementation of employment policies falls largely to the Employment Administration pursuant to the amended Act of 21 February 1976, which defined the organization and functioning of that Administration and created a National Employment Commission.

7. The Employment Administration is responsible, inter alia, for:

(a) Monitoring the employment situation and labour market trends;

(b) Balancing labour supply and demand;

(c) Organizing the recruitment of foreign workers, placing them in employment and monitoring their working conditions in conformity with the relevant legislation;

(d) Organizing and providing vocational guidance for young people and, if necessary, for adults, with a view to promoting their smooth integration or reintegration into the world of work;

(e) Ensuring the implementation of legislation for the prevention and reduction of unemployment and the payment of unemployment benefits;

(f) Taking measures to help workers change to new occupations and employment in so far as this task comes within its purview under the relevant legislation;

(g) Arranging vocational training, re-education and integration into the workforce for the disabled;

(h) Maintaining technical relations with its foreign and international counterparts.

8. Under the Act of 31 July 1995 on employment and vocational training, a permanent employment committee has been set up to review the situation regarding employment and unemployment at least every six months, as a follow-up to the decisions concerning employment taken by the Tripartite Coordination Committee instituted under the amended Act of 24 December 1977 authorizing the Government to take measures to stimulate economic growth and maintain full employment. This Tripartite Committee consists, in equal numbers, of government representatives, representatives of professional organizations which best represent the employers and trade union organizations which are the most representative nationally.

9. Luxembourg's legislation and the decisions of its courts guarantee employees strict protection against arbitrary dismissal.

10. The annexed documents, available for consultation in the secretariat's archives, provide recent employment and unemployment figures for Luxembourg (source: Employment Administration and Inspectorate General of Social Security).

Ratification of Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

11. In 1999, the Luxembourg Government declared that it wished to be among the first member States to ratify Convention No. 182, which it considers to be one of the fundamental instruments in the drive to eradicate child labour in the world.

12. In conformity with article 19 of the Constitution of the International Labour Organization, the text of the Convention and that of Recommendation No. 190 concerning the prohibition and immediate action for the elimination of the worst forms of child labour were submitted to the Chamber of Deputies, with a proposal to add Convention No. 182 to the list of ILO conventions whose approval by Parliament is proposed in a bill tabled before the Chamber of Deputies.

13. The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour was approved under the Act of 22 December 2000 approving ILO Conventions Nos. 111, 142, 150, 151, 155, 158, 159, 175 and 182.

Act of 23 March 2001 concerning the protection of young workers

14. The new Act concerning the protection of young workers incorporates European Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work into Luxembourg law.

15. It also provides a complete redrafting of the Act of 28 October 1969 concerning the protection of children and young workers.

16. The old act needed redrafting as it had been heavily amended and some of its provisions had had to be adapted to the form and content of the Act of 12 February 1999 concerning the implementation of the national plan of action in favour of employment.

17. In addition, some of the former provisions had to be adapted to the content of the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989 and ratified under the Act of 20 December 1993.

18. The following points may be made about the new Act.

19. With regard to the elimination of child labour, the new Act regulates individual authorizations allowing the participation of children in cultural, artistic, sporting, advertising or fashion activities.

20. The Act was designed for effective implementation, so as to avoid it remaining a dead letter owing to partly unrealistic content.

21. By adapting the issue of authorizations to the real situation, the Act has the effect of improving the protection of children in practice, besides offering effective means of monitoring.

22. The second new feature is that any employer wishing to take on young people from 15 to 18 now has to carry out a risk assessment.

23. If certain risks are ascertained, the employer has an obligation not only to inform the young people themselves and their legal representatives of the fact, but also to have the young people undergo regular, free examinations carried out by the occupational health service, in addition to the usual recruitment examinations and regular examinations in the course of work.

24. It is now forbidden to employ young people in certain jobs if the risk assessment shows that the job entails specific risks for the young peoples' health, security and development, especially owing to lack of experience, a lack of awareness of the risks involved or their incomplete development.

25. It is also worth noting the changes made in the new Act with regard to the working conditions of young people in order to bring them into line with the changes in legislation on working hours introduced by the Act of 12 February 1999 concerning the implementation of the national plan of action in favour of employment.

26. In this respect, attention may be drawn to the provisions in the new Act concerning the work organization plan.

27. With regard to regulations governing working hours, there is a provision that regulates the working hours of young people spent on ancillary activities, unrelated to education or training, outside and in addition to school or occupational activity, required for purposes of part time training.

Article 7: Right to just and favourable conditions of work

28. In Luxembourg, the minimum social wage system is governed by the Act of 12 March 1973, amended by the Acts of 27 March 1981, 28 March 1986, 28 December 1988 and 23 December 1994. Under the above legislation, any person with a normal physical and mental capacity, of either sex, hired by an employer under contract, is entitled to the minimum social wage. The latter applies generally, regardless of the economic sector in which the employer operates. According to the law, the minimum social wage is determined by the legislature in the light of economic circumstances.

29. In order to ensure that wage-earners share the benefits of the country's economic growth, the minimum social wage is revalued at least every two years, subject to the general state of economic development and income growth. In this respect, the Government has to submit a report every two years to the Chamber of Deputies, with a proposal for a rise in the minimum social wage, if appropriate.

30. The Act of 12 June 1965 on collective wage agreements establishes, inter alia, that any such agreement must provide for:

(a) Additional pay for night work;

(b) Additional pay for difficult, dangerous and unhealthy work;

(c) Measures to implement the principle of equal pay without gender discrimination;

(d) Measures to adjust remuneration to variations in the index published by the Government.

31. Mention should also be made here of the Grand Ducal Regulation of 10 July 1974, referred to above, concerning equal pay for men and women.

32. The new Act of 17 June 1994 concerning health services at work and the laws concerning the safety and health of workers at work give effect to the Council's framework Directive 89/391/EEC of 12 June 1989. They ensure the protection of workers' health at work through medical supervision and the prevention of accidents and occupational illnesses, and are enforced under 10 Grand Ducal Regulations.

33. The Act of 4 April 1974 on the reorganization of the Works and Mines Inspectorate and the 1994 laws mentioned above grant the Inspectorate extensive power to monitor work safety and hygiene.

34. On the question of equal opportunity for promotion, see paragraph 3 above.

35. With regard to article 7, paragraph (d), Luxembourg has extremely advanced legislation on the right to rest, leisure, limitation of working hours, regular holidays with pay and remuneration for public holidays. The implementation of this legislation does not give rise to any major problems, since these rights are fully accepted.

36. Under Luxembourg law, working hours are governed by the Act of 9 December 1970 on the reduction and regulation of working hours for public and private sector workers, and by the coordinated text of 5 December 1989 comprising Acts regulating the hire of private employees. In all the above legislation, working hours are limited to 8 hours a day and 40 hours a week.

37. The Act of 22 April 1966 establishes uniform regulations on annual paid leave for private sector employees.

38. The Act of 4 October 1973 provides for educational leave.

39. Regulations concerning legal public holidays were revised by the Act of 10 April 1976.

40. A Grand Ducal Regulation of 11 October 1977 governs the granting of leave to take part in sports.

Article 8: Trade union rights

41. The right to freedom of trade unions is guaranteed by article 11 of the Constitution of Luxembourg, which is a corollary of the freedom of association guaranteed by article 26 of the Constitution.

42. The right of association is governed by the Act of 11 March 1936, which guarantees freedom of association in all fields. Under this law, it is considered a criminal offence to attempt to limit freedom of association by wilfully making the conclusion, performance or continuation of an agreement concerning employment subject to a worker's membership or non-membership of an association.

43. Luxembourg has ratified ILO Conventions Nos. 98 (1949) concerning the Right to Organise and to Bargain Collectively and No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise.

44. The above-mentioned Act of 12 June 1965 on collective wage agreements recognizes as a trade union organization any professional association with an internal organization whose aim is to represent its members, defend their professional interests and improve their conditions. The law assigns certain specific functions to trade union organizations that are representative at the national level. Trade unions are considered representative at the national level if they have a substantial membership and are well known for their activities and independence.

45. With regard to the right to strike, a High Court decree has stated that participation in a legitimate and lawful strike is a workers' right set forth in article 11 of the Constitution. The exercise by a worker of the right to strike and the exercise by an employer of the right of lock-out must, however, be preceded by proper negotiations through the National Conciliation Office, whose procedure was established by a Grand Ducal Decree of 6 October 1945. Any strike called or lock-out declared before all conciliation procedures have been exhausted and the failure to agree has been established in an official report is considered illegal.

Article 9: Right to social security

46. Luxembourg's social legislation provides for compulsory social insurance for the whole of the working population. Social legislation covers the following branches:

- Sickness and maternity insurance;
- Accident insurance;
- Old age, disability and survivor's pension;
- Family benefits;
- Unemployment;
- Dependent persons' insurance (since 1998).

47. The Act of 19 June 1998 introduced dependent persons' insurance as a new feature of national social legislation. The main purpose of the Act is to cover the cost of assistance and care for dependent persons, either through benefits in kind or in form of products required for assistance and care, apparatuses and adapted accommodation. The Act covers any person whose condition, as a result of a physical, mental or psychic illness, requires the assistance of a third person for basic daily requirements. The dependent person may be living either at home or in an assistance and care establishment.

48. The new social security branch will be funded by a compulsory 1 per cent charge on earnings and income from assets of persons holding sickness insurance, plus an equivalent contribution from the State.

49. These benefits are intended chiefly for elderly persons who are no longer independent, but since there is no age limit, the disabled, for instance, may also be entitled to them.

50. With regard to old age insurance, the Act of 3 August 1998 introduced many changes in the pension scheme for civil servants and public employees.

51. The general approach behind the new law was to reduce the cost of public sector pension schemes while guaranteeing commitments in the medium and longer term. The main change is that pensions are no longer calculated on the basis of a person's last salary, but on total remuneration paid throughout the person's working life.

52. Among other legislative measures, the Act of 8 June 1999 on complementary pensions allows employees, particularly in the private sector, to improve their income. Under the terms of the Act, the beneficiaries of legal social security retirement pensions, or death, invalidity or survivor's benefits may be entitled to supplementary benefits. The Act has also introduced the principle of equal treatment for men and women. According to article 16, any clause in a pension scheme violating the principle of equal treatment, i.e. likely to give rise to gender-based discrimination, either directly or indirectly, particularly through reference to matrimonial or family status, shall be considered null and void.

53. Also worthy of mention is the Act of 6 April 1999, which introduced changes in general pension scheme rules. The chief beneficiaries of the changes are women, though not exclusively. Thus the provisions covering "baby years" have been made more flexible. The "baby years" are those during which the State pays the old age pension contribution, over a period of not more than four years (normally two years), for whichever parent, following the birth of a child, reduces or relinquishes his or her professional activity to look after the offspring.

54. There is now also the possibility of subscribing to an optional pension insurance, subject to the following conditions:

- Being unemployed or partially employed for family reasons;
- Residing in Luxembourg;
- Having contributed for at least 12 months to the old age pension scheme;
- Being under 60 years of age;
- Not being entitled to a personal pension;
- Medical approval.

55. It is also possible to make retroactive purchases of benefits covering periods during which a person has been unemployed or only partially employed for family reasons.

56. The way working hours are calculated for part-time workers has also been changed. If less than 64 hours are worked in a month, they are carried over to the first month when this threshold is exceeded, giving entitlement to a month's insurance. The main intention here is to ensure fuller and longer insurance coverage for women.

57. The introduction of parental leave is also to a great extent of benefit to women. The parent of a child under five years of age in receipt of family benefits may request parental leave, for not more than six months. This leave of absence gives entitlement to a fixed allowance. The insured person's contribution is paid by the State, and the former employer is obliged to re-employ the parent concerned at the end of the parental leave.

58. Another new feature is leave for family reasons. In the event of a serious illness or accident incurred by a child under the age of 15, employed workers are entitled to leave for family reasons of up to two days per year and per child. The parent suffers no material loss as a result. Either working parent is entitled to the leave, which may even be extended in the event of a very serious illness or disability on the part of the child.

Reform of guaranteed minimum wage legislation

59. A new law concerning the guaranteed minimum wage was passed on 29 April 1999 but entered in effect only on 1 March 2000. The main changes made in the old law are as follows:

- Age limit lowered from 30 to 25;
- Limit of residence condition lowered from 10 to 5 years over the preceding 20 years;
- Simplified terms for maintenance payments;
- More intensive action by the national social welfare service in support of the occupational and social resettlement of beneficiaries able to work;
- Withdrawal of the condition preventing a parent raising a child aged under six from attending occupational resettlement facilities (which was chiefly a poverty trap for women).

60. Another major change has been the new composition of the guaranteed minimum wage, which now comes in two parts:

- Basic needs are covered by a supplementary allowance to make up the difference between the maximum amounts of guaranteed minimum wage and the total resources available to a household;
- In addition, occupational and social resettlement measures are provided together with a resettlement benefit.

61. This reform of the guaranteed minimum wage is part of a broader European social welfare policy aimed at combating social exclusion. The idea is to make social welfare policy more active, aiming at social resettlement through employment and taking advantage of the activity of the persons concerned. This law therefore marks a departure from the traditional social welfare approach, which is aimed chiefly at covering subsistence needs. It draws a distinction between persons who are able to work and those who are not, providing specific benefits, procedures and supervisory authorities for each category.

Introduction of parental leave

62. The act of 12 February 1999 concerning the implementation of the national plan of action for employment introduced parental leave with guaranteed re-employment.

63. In order to ensure that this family benefit had favourable implications for unemployment, it included an obligation for the employer to find a replacement for a worker on parental leave of absence.

64. Persons entitled to parental leave must be bringing up a child or children aged under five and must be in receipt of family benefits. Applicants must either cease work completely or work not more than half time (with entitlement in that case to part-time parental leave).

65. Parental leave lasts six months per child. Part-time parental leave may be extended to 12 months. Either working parent is entitled to parental leave, but one of the parents has to take parental leave straight after maternity leave or adoption leave. The part-time parental leave may, however, be shared by the two parents.

66. The applicant parent must, if unemployed, have been self-employed at the time the child was born or adopted, and if employed, have worked for at least a year prior to the beginning of parental leave with the same company established in Luxembourg (subject to an employment contract stipulating monthly working hours equal to at least half the normal working hours applied in that company).

67. Parental leave gives entitlement to a fixed allowance of about 1,600 Euros per month for full-time leave and about 800 Euros for part-time leave. These sums are paid monthly throughout the period of parental leave.

68. The allowance is tax free and not subject to social security payments, except the contribution for health care and dependent persons. The old-age pension contribution is paid by the State. The allowance is State-funded and paid by the national family benefit fund.

69. The self-employed and civil servants and similar persons are also entitled to parental leave.

Article 10: Protection of the family and of mother and child

70. The protection of the family was introduced in the Luxembourg Constitution in 1948. Thus the family enjoys protection under the highest legal authority of the country. Article 11, paragraph 3, of the Constitution provides that "the State guarantees the natural rights of the individual and the family". In 1951, family policy was officially instituted with the establishment of a special ministry and now plays a prominent part in social policy.

71. Successive Governments have attached considerable importance to family matters and the State has endeavoured to create a setting in which the family can flourish freely. Family policy encourages freedom of parental choice as regards the family lifestyle and the number of children. The family is considered as the basic cell of our society, whose greatest concern is the person and personal well-being.

72. As the Government made clear in its policy statement of 12 August 1999: "Marriage remains one of the foundations of our society and our civil law. It offers the best possible legal protection to a lasting relationship between a man and a women. The law will therefore continue to protect the institution of marriage. Nevertheless, in the awareness that many couples freely choose other forms of relationships, it is deemed that freedom of choice must be respected. (...) One of the purposes of the Government's family policy is to ensure greater harmony between life in the family and life at work. In that spirit further efforts have been made to enlarge the supply of day-care centres, nurseries, school canteens, boarding schools for primary pupils, assistance for homework, etc. (...). The prime purpose of family benefits is to increase family income, particularly for large families. Family benefits clearly need to be understood as a form of social welfare transfer in general, more particularly in relation to the taxation system and household tax exemptions (...). In studying the role of the State and the scope of State action, the Government has decided that the present system will continue to be used by the State, particularly in the family welfare sector. (...) For the Government, the policy in favour of the elderly should be given priority in the years ahead. (...) Where disabled persons are concerned, the key principles of a coherent policy should be independence, self-determination and integration."

73. Luxembourg law fully respects individual liberty both when a marriage is entered into and throughout its duration. Without the free consent of either partner, a marriage cannot exist and is therefore null and void (Civil Code, arts. 146 and 180). In such case, the nullity of the marriage is publicly recognized. During the marriage, the spouses manage the household together on an equal footing and educate their children as they see fit (arts. 212 and 213). Marriage does not affect the legal capacity of the spouses (art. 216).

74. In the event of a serious infringement of the rights and obligations of one of the spouses by the other, the aggrieved spouse may seek divorce or physical separation. There are several divorce procedures: divorce on specific grounds, such as misconduct or a period of separation, and divorce by mutual consent.

75. Provided that the parents do not infringe the physical integrity or the moral and material interests of the children, the State cannot intervene directly. Any intervention must be in accordance with the law and must be subject to the approval of the judicial authority, which guarantees civil liberties.

76. The social protection of the family is ensured through a broad range of family benefits: family allowances (Act of 19 June 1985), age-related supplements, supplementary allowances for handicapped children, beginning of school allowances (Act of 14 July 1986), childbirth benefits (Act of 20 June 1977), maternity benefits (Act of 30 April 1980), education allowances (Act of 1 August 1988), parental leave allowance (Act of 12 February 1999) and access to many services.

77. The Government provides support for projects aimed at promoting or protecting marital and family relationships. It has developed a system of assistance which is available to citizens in all age groups (including day homes for children and adolescents, care centres for children and adolescents, State socio-educational centres, social family lodgings, care centres for handicapped persons, integrated centres for the elderly, nursing homes, gerontological revalidation units, psycho-geriatric centres and senior citizen clubs for the elderly, home-help services, shelters for the homeless and foster homes).

78. The celebration of the International Year of Older Persons in 1999 gave fresh impetus to the elderly aspect of family policy and helped to launch new measures. One of these is a project to set up out-of-hospital visits offering care facilities and palliative treatment for a limited time (care centres for the very elderly).

79. In recent years, budget allocations have been increased in order to extend the range of services and care facilities. For instance, between 1994 and 2001, the budget allocated to day homes for children and adolescents was almost quadrupled, from 10 million Euros to 37 million per year.

80. In order to inform people of their rights and to avoid conflicts, there is also a whole range of services available, including marriage information, training and preparation centres and information for consumers.

81. The aim of government policy has therefore been to provide assistance wherever it has been needed, while leaving each individual at liberty to make use of such assistance or not.

82. Through continuous reform, Luxembourg legislation on family allowances (Acts of 23 December 1992, 23 July 1993 and 31 July 1995) and on social assistance, such as the guaranteed minimum income (Acts of 23 July 1986 and 26 February 1993) has kept pace with requirements.

83. For 2000, the cost of family allowances paid from the National Family Allowance Fund came to more than 545.37 million Euros, which is over 10 per cent of the annual State budget compared with 322.26 million Euros in 1995.

84. Most of the services offered depend essentially on private initiative, with the State intervening according to the principle of subsidiarity under the terms of agreements with the associations. It finances the cost of available benefits either partially or fully, subject to the application of a scale of tariffs, weighted according to the means of beneficiaries and their family situation, and subject to the staff employed being sufficiently qualified.

85. Following the passing of the Act of 19 June 1998 introducing dependent persons insurance, the Act of 22 May 1989 establishing the provision of care and admission to nursing homes which allocated care benefits with a view to enabling older persons to remain in their families, was repealed.

86. In the specific case of working mothers, the Act of 31 July 1975 applies to all women bound by employment or apprenticeship contracts.

87. Article 3 of that Act provides that during eight weeks preceding the expected date of birth, as shown by a medical certificate, a pregnant woman may not be required to work unless she has been expressly declared fit to do so.

88. During the medically certified period of pregnancy, a woman may not be dismissed. The Act also protects pregnant women against the performance of work regarded as arduous. Pregnant women and nursing mothers are prohibited by law from working overtime.

89. Furthermore, the Act guarantees paid pre-natal and post-natal leave, covering the eight weeks preceding and following childbirth. Post-natal leave may be extended to 12 weeks in cases of premature or multiple births and for nursing mothers.

90. During such leave, women are entitled to a cash maternity benefit. The benefit was extended to non-working women under the Act of 27 July 1992 reforming sickness insurance and the health sector.

91. The benefit is funded by the State and distributed by the sickness funds. Benefits in kind, such as expenses for childbirth and midwife care, medical assistance, a place in a maternity hospital or clinic, pharmaceutical supplies and dietetic products for infants are also paid for.

92. Legislation is currently being finalized to incorporate into national law European Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant women and women who have recently given birth or are breastfeeding at work.

93. A woman's employment contract cannot be broken on grounds of maternity leave. In order to bring up her child, a woman may, without giving notice, refrain from restarting her job at the end of her maternity leave (special education leave). In such a case, the woman is entitled to apply for re-employment within a year following the end of maternity leave. Upon receipt of this request, the employer must give priority to her recruitment during a year in all jobs for which she is suitably qualified.

94. In its policy statement, the Government has just announced that it intends to introduce unpaid leave for close relatives of a person in the terminal phase of a serious illness.

The rights of the child

95. In order to implement the Convention on the Rights of the Child, basic reforms are being considered in the area of services for children in order to achieve a high standard of protection for children and young persons.

96. The two optional protocols to the Convention on the Rights of the Child were signed at the Millennium Summit of the United Nations in New York, from 6 to 8 September 2000. One concerned the involvement of children in armed conflict and the other the sale of children, child prostitution and child pornography.

97. A bill on the promotion of children's rights has now been prepared with a view to giving practical application to the principles contained in the Convention. Government amendments to the bill have been finalized and submitted to the Council of State for opinion. One feature of the new law will be the establishment of an ombudsperson-type structure. A further bill on the social protection of children is in the course of preparation.

98. As far as care centres for children in distress are concerned, a care scheme for young people from 12 to 18 in distress is currently taking shape.

99. Agreement in principle has been given for the construction of a security unit for young children, as part of the State-run socio-educational centres scheme, and the final plan has already been approved by the Government Council.

100. The introduction of the act of 8 September 1990 governing relations between the State and organizations engaged in social, family and therapeutic work marks a substantial step forward for the guarantee of children's rights in all their aspects. For instance, under the terms of the Act, an authorization to work in any field affecting children is subject to government approval.

101. In the area of adoption, a preliminary bill for the ratification of the Hague Convention has been drafted and submitted to the Government Council for approval.

102. The protection of children is already well assured in other ways.

103. Protection of the child's health begins very early on with the provision of medical information to the parents (under the Act of 19 December 1972, premarital medical examinations are compulsory). The child is subsequently protected through the mother. A number of measures provide protection for the child before and after birth, such as systematic examinations for pregnant women and infants, which include children up to the age of two (Act of 20 June 1977). Systematic medical examinations for children between the ages of two and four already existed under the Act of 15 May 1984. Such examinations are compulsory for all children brought up in the Grand Duchy of Luxembourg. After that age, school medical care takes over, so that a child is medically supervised throughout its minority, being provided with a health record on which all examinations may be checked.

104. In the case of very young children reared outside their families, special supervisory measures are prescribed for the protection of the children's life and health under the Act of 27 June 1906 on the protection of public health and the Grand Ducal Regulation of 7 September 1907 concerning the protection of infants (see also the Ministerial Order of 18 November 1907 and the Ministerial Circular of 1930). Any child, regardless of nationality, aged less than two, in nursing, foster or guardianship care, that is, away from the father's and mother's home, enjoys protection in the form of both medical supervision (by a doctor) and administrative supervision (through the town hall). This supervision applies to any natural person (such as a nurse) or legal person (public or private establishment) and to all intermediaries involved in fostering.

105. Also worthy of mention is the Act of 10 August 1992 on the protection of youth, under the terms of which the judge for children may intervene either on his own initiative or at the request of the child or of any other person to protect the material and moral interests of the child.

106. According to the Civil Code, "a natural child has the same rights and the same obligations as a legitimate child. The child is part of the parent's family ... Similarly, for the purposes of inheritance from the estate of the father and other forebears, as well as from brothers and sisters and other collateral relatives, the child has the same rights as a legitimate child".

107. Affiliation may be established under Luxembourg law with regard to both the mother and the father of all children born out of wedlock, except for children born of parents whose marriage is forbidden (incestuous affiliation).

108. Parental authority over a natural child is exercised by whichever parent has recognized the child voluntarily, in the event that it has been recognized by one parent only. If the child has been recognized by both parents, parental authority may be exercised jointly by both parents if they make a joint declaration to that effect before the guardianship judge. The conditions under which parental authority is exercised may be changed by the guardianship judge (under the Act of 20 December 1993 approving the Convention on the Rights of the Child and modifying certain provisions of the Civil Code; Civil Code, article 380).

109. In the opinion of the Luxembourg Government, it is in the interest of families and children that a natural child should be treated as far as possible on an equal footing with a legitimate child. Special rules have been introduced, regarding the natural child's name, in order to avoid any form of social rejection due to the child's status. A natural child may be brought up by a married couple only with the consent of the spouse of the child's parent, if at the time it was conceived the father or mother was married to another person.

110. Under the Act of 28 October 1969, children under the age of 15 may not be employed on any type of work. Where children are concerned, work is considered to be any paid activity performed by children as well as any unpaid activity performed in a repetitive or regular fashion. While there are some exceptions to this prohibition, the activities concerned must not be harmful, prejudicial or dangerous for the child.

111. Some types of work are forbidden for young persons up to the age of 18, such as work unsuitable for the adolescent's state of development or activities requiring a disproportionate effort or which might harmfully affect the physical or mental health of the adolescent. Minors (under 18) are also forbidden by law from undertaking piece-work, work organized in such a way that greater output can be achieved by increasing the pace of work and assembly line work at a prescribed pace.

112. Clandestine work is forbidden under the Act of 3 August 1977.

Article 11: Right to an adequate standard of living

113. In its policy statement of 12 August 1999, the Government of Luxembourg expressed its determination to conduct an active housing policy, in close consultation with the ministries concerned, communes and public contractors. The policy is aimed not so much at favouring certain categories of individuals and families, but at acting on the housing market in general.

114. For instance, the State has continued its initiatives to encourage home ownership (currently at a rate of about 70 per cent), by maintaining existing facilities (amended Act of 25 February 1979 on housing aids) but using them to greater effect.

115. Thus, the State tries to encourage home ownership through individual housing aids, known as "personal aids", which have proved an effective means of providing people with sufficient means to enter the housing market. These aids may take the form of construction or purchase grants, housing improvement allowances, savings premiums, conversion grants to meet the needs of physically disabled persons or supplementary grants to cover the costs of architects and consulting engineer's fees.

116. The Government has stated that one of its objectives is a more human and more congenial form of housing as part of the sustainable development of towns and built-up areas. Thus the Government continues to encourage the purchase of old housing, which can then be renovated as part of the policy of introducing a system of housing records with short term effect to promote the conservation and rehabilitation of existing buildings. Individual owners will thus be entitled to request "check-ups" of their accommodation from the point of view of sanitation, hygiene, health, safety, liveability and energy consumption.

117. The State also facilitates the repayment of loans taken on for the building, purchase or improvement of housing by offering interest aids aimed at reducing monthly outlays (through interest subsidies and interest grants).

118. All these aids, except for the interest grants, will depend on the income and family situation of recipient households.

119. In addition to these personal aids, the State also runs a scheme of "building aids", which are intended for public contractors (such as the low cost housing fund, the national society for low cost housing and the communes) or private contractors (such as non-profit making companies contributing to broader subsidized housing programmes).

120. Considering that some sectors of the population do not have sufficient means to become house owners, the State tries to encourage the building of rented accommodation for the most deprived households.

121. The amended Act of 14 February 1955 on housing leases provides general protection for tenants (through legal protection afforded by lease, postponement of execution, rent controls, etc.).

122. Under the same Act, local authorities are responsible for ensuring as far as possible housing for all persons resident within the commune, as well as public service employees operating within the territory of the commune. In the case of evictions, the local authorities are also responsible for storing the evicted persons' belongings in appropriate premises.

123. At national level, the Act of 26 July 1986 establishing entitlement to a guaranteed minimum income, which recognizes every person's right, subject to certain conditions, to a specified amount of means, has been amended by the Act of 29 April 1999 (see also above, under article 9: Right to social security).

124. This Act places the emphasis on active measures, especially in terms of resettlement, rather than passive measures. Thus except for applicants who are unable to engage in normal work, or are not covered by the guaranteed minimum wage legislation, or who are legally exempted, grants are conditional on accepting social and occupational resettlement. Since a beneficiary's participation in an occupational resettlement activity is remunerated on the basis of the minimum social wage, that person is also entitled to contribute to the pension scheme. The resettlement benefit is considered for the purposes of means assessment only to the extent of 20 per cent of the guaranteed minimum wage to which the beneficiary is entitled. The age limit has been lowered from 30 to 25 years and the residence limit from 10 to 5 years.

125. In addition, a whole range of aids has been introduced, such as the cost of living allowance (Act of 13 June 1975), the heating allowance, and the procedure for the advance and collection of maintenance payments (Act of 26 July 1980). Since the Act of 19 June 1998 introducing dependent persons insurance, the allowance for seriously disabled persons (Act of 16 April 1979) has been suspended and the payment of existing benefits transferred to the National Solidarity Fund, which also pays for care facilities for elderly persons unable to meet their subsistence requirements, in conformity with the relevant legislation (Act of 19 June 1998).

126. It may also be pointed out that the Ministry of the Family, Social Solidarity and Youth provides support for associations running shelters for the homeless. In 1999, the State spent over 4,073,000 Euros on 223 subsidized places in these shelters.

127. The Luxembourg cooperation effort has always combated hunger as part of its global policy to alleviate poverty.

128. It can act in several ways, especially through a special food aid budget. In 2000, almost LuxF 65 million were paid out under this item for the benefit of the deprived people of Cape Verde, Haiti and Kosovo.

129. Where humanitarian aid is concerned, the Grand Duchy of Luxembourg for a year and a half has been providing indirect food aid to Kosovo and more recently also to Yugoslavia (the Prezevo Valley in Serbia). Under this aid scheme, almost 2,000 tonnes of potato plants, 400 tonnes of wheat seed and 400 tonnes of chemical fertilizer were sent to disaster-stricken areas in the western Balkans to assist local agriculture. Through this aid, organized in close consultation with the Food and Agriculture Organization (FAO), Luxembourg has become the leading donor in kind in the region.

130. It should lastly be noted that many bilateral projects or projects implemented by approved NGOs may according to need also include a direct or indirect food aid component, or the sort of assistance referred to in article 11, subparagraph 2 (a) of the International Covenant on Economic, Social and Cultural Rights.

Article 12: Right to physical and mental health

131. Provision for reducing the stillbirth rate and infant mortality and ensuring the healthy development of the child takes the form of regular check-ups for pregnant women and children up to the age of two, in accordance with the Act of 20 June 1977 on the introduction of regular check-ups for women and infants. Similar check-ups for children between the ages of two and four were introduced by the Act of 15 May 1984.

132. With regard to the improvement of all aspects of hygiene in the working environment and industrial hygiene, the following legislation may be mentioned:

(a) Act of 21 June 1976 on atmospheric pollution;

(b) Act of 21 June 1976 on noise;

(c) Act of 27 June 1906 on the protection of public health amended by the Act of 14 February 1977 dealing with water pollution;

(d) Act of 16 April 1979 establishing the list and classification of dangerous establishments.

133. The prevention and treatment of occupational diseases are covered by the Act of 17 June 1994 on health services at work.

134. Endemic and epidemic diseases are not matters of major concern in Luxembourg.

135. Medical attention is provided for everyone by the doctors practising in Luxembourg. Since most of the population are insured under the social security system, such attention is free of charge except for a very small percentage which is left for the patient to pay.

Article 13: Right to education

136. The State and the communes work on a complementary basis to ensure primary education in Luxembourg. The State, through the Ministry of Education, Vocational Training and Sport, sets general policy, such as the framework-plan for preschool education and the primary school curriculum, school hours and holidays, while the communal authorities are responsible for the implementation of education at the local level, which is free.

137. Compulsory schooling currently extends over a period of 11 years and begins at the age of 4. The communes, together with their advisory body, the school board, ensure that compulsory schooling is enforced.

138. The communes are responsible for building and maintaining schools; for new schools the State provides the communes with financial assistance at a rate that takes different variables into account.

139. All school buildings must be approved by the Grand-Ducal Education Commission and, in particular, must meet safety and health standards.

140. Teachers are Government employees and remunerated as such; the communes are generally responsible for a third of their salaries, with the exception of special education teachers, 80 per cent of whose salary is borne by the State, and moral and social education teachers, whose salaries are paid entirely by the State.

141. More than 92 per cent of pupils attend State-run schools.

142. Officially-agreed private schools are subsidized by the State and teach the subjects laid down in the State curriculum.

143. Children who have reached the age of four by 1 September are subject to compulsory schooling and attend the preschool branch, which is an integral part of the academic infrastructure established by the local authorities (Act of 5 August 1963).

144. A number of communes offer early childhood education groups for children from the age of three onwards. The children are generally under the care of an educational team of two persons working under the responsibility of a preschool education teacher. Attendance at the early childhood education branch is not considered to be part of compulsory schooling.

145. It is planned to expand early childhood education coverage.

146. Early childhood education and preschool education in fact form a single education cycle.

Primary education

147. Any child who has reached the age of six before 1 September is required to attend primary school for a period of six consecutive years. After six years of primary education proper the children leave primary school and move on to preparatory, technical secondary or secondary education.

148. Art, music and sports are compulsory subjects. Each year pupils may choose between a moral and social course and a religious and moral course. The subjects taught and the class hours are laid down in the curriculum.

149. The Ministry of Education exercises its supervisory powers through the relevant inspector.

Education in special classes

150. Education in special classes is available either in special schools or in the regular schools for all children subject to compulsory schooling who, as a result of their mental, behavioural, sensorial or motor characteristics, cannot receive instruction in the framework of regular or specialized education and have special educational needs.

151. Such children are taught either in special education centres and institutes within the special education branch or in the preschool or primary education branch with individualized support from special education branch teachers.

152. An individualized curriculum is established on the basis of each pupil's specific needs using the special education curriculum as a guide.

153. The Child Guidance and Outpatient Rehabilitation services are responsible for diagnosing and addressing the psychological, educational and academic needs of problem children in close cooperation with their primary education partners on regional child guidance commissions.

154. Special education is aimed at fostering the independence of disabled children and children with special educational needs, with the ultimate aim of integrating them into society.

Secondary education

155. The current secondary education system was established by the Act of 10 May 1968 on the reform of education, under title VI, "Secondary education", as amended by the Act of 22 June 1989.

156. Secondary education comprises a seven-year course of study, the aim being to prepare pupils for advanced studies. The educational system and curricula are identical for boys and girls and secondary schools are co-educational.

157. Admission to secondary education is possible after completion of the sixth year of primary school, subject to an opinion issued by an orientation commission or to passing the entry examination.

158. The seven years of secondary education are broken down into two divisions: a lower division lasting three years, consisting of the orientation class (class 7) together with classes 6 and 5; and a higher division lasting four years, consisting of a general cycle (classes 4 and 3), and a specialization cycle (classes 2 and 1).

159. Secondary education is completed by passing a final examination, on the results of which a final certificate is awarded giving general access to university studies.

Technical secondary education

160. Technical secondary education, as reformed under the Act of 4 September 1990, is provided at technical schools and consists of three cycles: the lower cycle (classes 7 to 9), middle cycle and higher cycle.

161. Access to post-primary education is governed by an opinion issued by an orientation commission. Opinions are based on the following criteria: the pupil's report cards, the teacher's opinion concerning the pupil's learning potential and the parents' opinion.

162. For the first three years pupils follow a technical secondary education course or a preparatory course that forms part of the technical secondary education system.

163. Depending on their results, pupils in class 9 are placed in a technical stream, a technical training stream or a vocational stream. The middle cycle consists of two years (classes 10 and 11) in the first two streams, or three years in the vocational stream, including class 12 (practical work), at the end of which a certificate of technical and vocational proficiency is awarded.

164. The higher cycle includes two years of full-time education in the technical stream (administrative and commercial paramedical and social, and general technical divisions) and in the technical training stream. The diploma awarded at the end of technical secondary studies provides equivalent entitlements to the final certificate awarded on completion of secondary education. Students obtaining a technician's diploma may be admitted to higher technical studies.

Higher education

165. The higher education branch was reformed by the Act of 11 August 1996 amending the higher education branch. Article 4 of the Act stipulates that higher education establishments "shall enjoy financial and administrative, teaching and scientific autonomy". Each establishment

is accordingly managed by a governing body which has decision-making powers in the areas of budget, organizational structure and staffing, and for issues relating to the introduction or withdrawal of courses. The governing body may also rule on the enrolment fees to be charged to students. At the current time, there are no enrolment fees for courses in the first or second cycles, while fees are charged for third cycle courses.

166. Access by all to higher education is guaranteed by financial aid granted to students. Aid takes the form of scholarships, incentive awards and loans. When loans are contracted from a financial institution, the State guarantees the loan and undertakes to pay part of the interest due. In order to qualify for financial aid, students must be nationals of either Luxembourg or another member State of the European Union and be domiciled in the Grand-Duchy, or must have political refugee status. Financial aid covers university studies in the first, second and third cycles (undergraduate and postgraduate studies) and non-university higher education studies.

167. Concerning the right of establishment, the Act of 14 August 1976 lays down the conditions for establishing private higher education facilities. Authorization is granted in the form of a grand-ducal regulation, based on the opinion of a commission that has examined the following aspects:

The reputation of the person or entity responsible for managing the educational establishment;

The reputation and professional skills of the managing, teaching and research staff;

The level and scientific nature of the teaching dispensed and research conducted;

The establishment's goals, programmes and teaching methods;

Student's conditions for admission and advancement;

Nomenclature used for diplomas and titles and conditions and modalities of issuance;

Funding of teaching and research;

The regular and ongoing functioning of the establishment.

Article 14: Principle of compulsory free education for all

168. Luxembourg requires all children who have reached the age of five to attend one year's compulsory pre-primary schooling. The Act introducing this pre-primary year's schooling specifically stipulates that pre-primary education may not include formal classes.

169. Compulsory schooling in the usual sense extends over a period of nine years. Children are admitted to primary education from the age of six, leaving six years later. On completion of primary education, pupils are directed, depending on their abilities and interests, into

supplementary classes, secondary education, vocational training or technical secondary education. Post-primary education must last at least three years, so that by the age of 15 children have usually completed their compulsory schooling.

170. The education provided at all public establishments is free of charge.

Article 15: Right to take part in cultural life

171. The Government's cultural policy is set out in its policy statement of 12 August 1999, which provides an open definition of the concept of culture: art in all its forms, but also respect for the values of others.

172. Convinced as it is that Luxembourg nationals draw their cultural and material wealth from their capacity to experience in unity the differences within their own culture and those of other nations, the Government shall undertake the necessary measures to ensure that the multicultural society of Luxembourg guarantees the cultural identity of every one of its inhabitants.

Promotion of culture and encouragement of artistic activities and community associations

173. In accordance with the principle of subsidiarity, the Government assists cultural associations working in the areas of sociocultural organization and exposure to art and artistic creation in order to guarantee a balance between public and private initiatives.

174. Every year the Ministry of Culture, Higher Education and Research supports numerous cultural activities and events through the provision of subsidies.

175. To encourage artistic creation, the Government has implemented the Act governing the Status of Independent Professional Artists and Artists Intermittently Employed in the Entertainment Industry and the Act on the Promotion of Artistic Creation, by sharply increasing the grants available for artistic creation, establishing a social and cultural fund and investing at least 1 per cent of the budget for new public infrastructure in works of art. The Government has increased public commissions to artists and expanded production aid. Where Luxembourg's multilingual literature is concerned, the Ministry of Culture dispenses credits for book purchases and publication grants and conducts promotion campaigns for literature by Luxembourg nationals (for example, translation aid).

176. The Act of 30 July 1999 concerning (a) the Status of Independent Professional Artists and Artists Intermittently Employed in the Entertainment Industry and (b) Promotion of Artistic Creation provides for the following measures:

Social assistance (social insurance contributions);

Assistance for performers intermittently employed in the entertainment industry when they are not working (unemployment insurance);

Tax measures;

Assistance for artistic creation, refresher training and reconversion (grants);

Increase in public commissions as a market development measure.

177. The 1994 Act relating to Cultural Leave introduced special leave termed "cultural leave" for the benefit of persons said to be "cultural actors", i.e. high-level creative artists and interpreters, experts on culture and representatives of federations, trade unions and associations of workers in cultural fields, residing in the Grand Duchy and exercising their cultural activity in addition to a salaried, independent or professional activity.

178. Numerous associations in the fields of fine arts, cinema and photography, multidisciplinary creation, literature, music, cultural heritage, science, sociocultural events, theatre and cultural journals, have signed agreements with the Ministry of Culture.

Sociocultural component

179. A feature of cultural and social life in Luxembourg is the fact that a third of the people residing there are not Luxembourg nationals and that 100 or so nationalities are represented in the country. But the peaceful coexistence enjoyed by the 100 or so different nationalities is often reflected by a lack of contact between foreign communities and Luxembourg natives. The result is a situation where different cultures live side by side but no interpenetration takes place. Moving beyond mere cohabitation and to achieve interpenetration and bring about a genuinely multicultural society would make mutual recognition and interaction an integral part of daily life for everyone - the mosaic being the harmonious living arrangement that needs to be developed.

180. But the current situation is not rigidly set, and in recent years mutual recognition has improved due to an increase in initiatives to that end. Hence the "European City of Culture, Luxembourg 1995" initiative adopted the slogan "European City of All Cultures" in order to emphasize Luxembourg's multicultural nature and multilingualism.

181. Countless cultural associations, forums and aid centres currently exist, attesting to the vitality of the cultural and social sector and the need for it to be given special attention. A large number of folklore and music groups and various types of friendship associations have also been established.

International relations

182. Legislation in this field:

Act of 25 July 1947 approving the Convention establishing the United Nations Educational, Scientific and Cultural Organization (UNESCO);

Act of 20 May 1953 approving the Agreement on the Importation of Educational, Scientific and Cultural Materials, done at Lake Success, New York on 22 November 1950;

Grand-Ducal Decree of 11 April 1954 concerning the publication of several amendments to the Constitution of UNESCO, signed at London on 15 November 1945;

Act of 16 June 1956 approving the European Cultural Convention, signed at Paris on 19 December 1954;

Act of 13 July 1961 approving the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May 1954;

Act of 8 June 1967 approving the Convention concerning the International Exchange of Publications, done at Paris on 5 December 1958;

Act of 19 June 1967 approving the Convention concerning the Exchange of Official Publications and Government Documents between States, done at Paris on 5 December 1958;

Act of 30 November 1971 approving the European Convention on the Protection of the Archaeological Heritage, signed at London on 6 May 1969;

Act of 6 December 1971 approving the Convention on the Agency for Cultural and Technical Co-operation, signed at Niamey on 20 March 1970;

Act of 22 March 1982 approving the Protocol concluded at Nairobi on 26 November 1976 to the Agreement on the Importation of Educational, Scientific and Educational Materials of 22 November 1950;

Act of 9 July 1983 approving the Convention for the Protection of the World Cultural and Natural Heritage, done at Paris on 23 November 1972;

Act of 21 March 1985 approving the Agreement establishing a European Foundation, signed at Brussels on 29 March 1982;

Act of 2 May 1996 approving the European Convention on Cinematographic Co-production, done at Strasbourg on 2 October 1992.

Bilateral cultural relations

183. The Ministry of Culture is responsible for cultural promotion abroad, in close cooperation with the embassies of Luxembourg.

184. The many cultural agreements (currently numbering 24) that Luxembourg has concluded with partner countries relate to the fields of education and science, culture, youth and sports. They provide for exchanges of experts and post-graduate research students, access to universities, granting of scholarships for study and specialization and organization of cultural exhibitions and events. By way of example, in 1999 the Ministry of Culture, Higher Education and Research processed the applications of 64 students, from non-Community countries for long-term study visits.

Multilateral cultural relations

185. Luxembourg cooperates regularly with Saarland, Lorraine, Rhineland-Palatinate and the Belgian province of Luxembourg (SAARLORLUX region) in the framework of an interregional commission established by an intergovernmental treaty in 1971. The commission is responsible for developing the shared cultural heritage, funding shared cultural facilities and organizing representative activities in all sectors of the arts.

186. The Ministry of Culture participates actively in the meetings of the "cultural affairs" Committee, which assists the Council of Ministers of Culture, and in the many meetings of experts held in the framework of subsidiary events organized by the Presidents of the Council of the European Union.

187. For example, the Minister of Culture attends the meetings of the Audiovisual/Cultural Council of the European Union, which are held twice per year. These meetings are generally preceded by an informal meeting of the Ministers of Culture and Audiovisual Affairs of the two States which preside over the Council each year.

188. It should be noted that the European cultural cooperation programmes, Ariane, Kaleidoscope and Raphael, have been replaced by the framework-programme "Culture 2000". This programme includes three types of activities: holding of specific, innovative activities in the cultural sphere; establishment of structured, multi-annual transnational cooperation agreements and organization of special cultural events of European and/or international interest.

189. The Relais Culture Europe-Luxembourg was established in January 2000, at the initiative of the Ministry of Culture and of the European Commission, under the Community framework-programme Culture 2000. The person in charge of this mission provides information at the national level on the cultural activities of the European Union and also provides information for candidates for participation in the different Community programmes in the area of culture.

190. Representatives of the Ministry of Culture, Higher Education and Research participate regularly in the meetings of the Council of Europe's Council for Cultural Cooperation (CDCC) and Culture Committee.

191. Luxembourg has participated very actively in the cultural circuits programme of the Council of Europe since its inception (rural areas in Luxembourg City and the region as a whole) and has created a historic circular walk, the Wenzel Walk, and an industrial circuit with its partners in the SAARLORLUX region. When the programme came to an end and it was decided to make it a service activity, Luxembourg expressed interest in providing certain functions in the framework of an agreement with the Council of Europe. It had become necessary to establish a contact point outside the service activity to vitalize networks and provide better dissemination of the project and its results. This gave rise to the idea of establishing a European Cultural Itineraries Institute which might operate as part of the Cultural Centre of the former Neumünster Abbey in Luxembourg City.

192. The Institute opened on 1 July 1997 in its premises in the Jacob Tower, newly renovated and equipped by the Ministry.

193. Of special importance is the National Commission for Cooperation with UNESCO, which was reformed by the ministerial decree of 26 November 1984. This Commission is under the supervision of the Ministry of Culture, Higher Education and Research.

194. The responsibilities of the national commissions for UNESCO are laid down in UNESCO's Constitution.

195. Pursuant to article VII of the Constitution, States must:

> "associate [their] principal bodies interested in educational, scientific and cultural matters with the work of the Organization";
>
> Act "in an advisory capacity to their respective delegations to the General Conference and to the representative of their country to the Executive Board and his alternates and to their Governments in all matters relating to the Organization";
>
> National Commissions "shall function as agencies of liaison in all matters of interest to the Organization".

196. The National Commission for UNESCO also participates very actively in UNESCO's work and meetings in Paris.

197. The following are the relevant legislative texts:

> Act of 23 May 1888 concerning membership of the Grand-Duchy of Luxembourg of the International Union for the Protection of Literary and Artistic Works;
>
> Act of 25 July 1947 approving the Convention establishing a United Nations Educational, Scientific and Cultural Organization (UNESCO);
>
> Grand-Ducal Decree of 11 April 1954 concerning the publication of several amendments to the UNESCO Constitution, signed at London on 15 November 1945;
>
> Grand-Ducal Decree of 28 December 1949 approving the Berne Convention for the Protection of Literary and Artistic Works.

Protection of intellectual property

198. Regarding protection of copyright, Luxembourg has just adopted a new law on copyright and neighbouring rights in the information society. This law supersedes the Copyright Act of 27 March 1972, as amended by the Act of 24 April 1995 on computer programmes, the Act of 8 September 1997 (duration of protection), the Act of 8 September 1997 (satellites and cable television), the Act of 8 September 1997 (rental and lending) and the Act of 23 December 1975

on the protection of performers, producers of phonograms and broadcasting organizations, as amended by the Act of 8 September 1997 (duration of protection) and the Act of 8 September 1997 (rental and lending). This law brings Luxembourg into conformity with the requirements of Community law and international conventions in this area (in particular the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights and the various WIPO conventions, including its Copyright Treaty and Performances and Phonograms Treaty, adopted by the Diplomatic Conference on 20 December 1996, which are available through the Internet.

199. The following are the relevant legislative texts:

Grand-Ducal Decree of 27 June 1888 concerning the publication of the Berne Convention of 9 September 1886 concerning the establishment of an International Union for the Protection of Literary and Artistic Works;

Grand-Ducal Decree of 20 September 1897 concerning the publication of the Additional Act and Declaration signed at Paris on 4 May 1896, amending and interpreting the Berne Convention of 9 September 1886 on the Protection of Literary and Artistic Works;

Grand-Ducal Decree of 14 July 1910 concerning the publication of the Berlin Convention of 13 November 1908 on the protection of literary and artistic works;

Grand-Ducal Decree of March 1915 concerning the publication of the Protocol, signed at Berne on 20 March 1914, additional to the revised Berne Convention for the protection of literary and artistic works;

Grand-Ducal Decree of 8 December 1931 concerning the adoption of the Rome Convention of 2 June 1928 for the protection of literary and artistic works;

Act of 19 November 1974 concerning the adoption of the Paris Act of 24 July 1971 relating to the Berne Convention for the Protection of Literary and Artistic Works;

Grand-Ducal Decree of 9 January 1985 concerning the publication of amendments to the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886, as amended at Paris on 24 July 1971.

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